

THE
OCCASIONAL PAMPHLET.

CHRISTIAN, NOT SECTARIAN; POLITICAL, NOT PARTISAN;
INDEPENDENT, NOT NEUTRAL.

“I must write a pamphlet, or I shall burst.”—DR. THOMAS ARNOLD.

**The Mistakes and Failures
OF THE
TEMPERANCE
REFORMATION.**

NEW YORK:

MASON BROTHERS.

1864.

Entered, according to Act of Congress, in the year 1864, by
MASON BROTHERS,

In the Clerk's Office of the District Court of the United States for the Southern District
of New York.

JOHN F. TROW,
PRINTER, STEREOPTYPER, AND ELECTROPTYPER,
46, 48, & 50 Greene Street,
New York.

TO

JOHN B. GOUGH,

WHOSE GREAT ELOQUENCE IN BEHALF OF

TEMPERANCE

HAS BEEN GUIDED BY A SINGULAR WISDOM IN DISCERNING AND AVOIDING

MANY OF THE WORST MISTAKES OF HIS FELLOW LABOREES,

THIS PAMPHLET,

WRITTEN SINCERELY IN THE INTEREST OF THAT

GOOD CAUSE OF WHICH HE IS THE

Acknowledged Champion,

IS RESPECTFULLY

Dedicated.

CONTENTS.

THE DECLINE OF THE TEMPERANCE REFORMATION, 7.

The moral dignity of its original principles, 8. (1) Its grand expedient justified by the emergency, 10. (2) Approved by the result, 11.

The Departure of the Temperance Reformation from its Early Principles, 12.

This change a radical one, 13.

THE FUNDAMENTAL FALSEHOOD OF THE TEMPERANCE REFORMATION OF THE PRESENT DAY, 18.

This falsehood sustained by,

1. The Biblical Fallacy, 14.
2. The Physiological Fallacy, 15.
3. The Progressive-Approach Fallacy, 17.
4. The Moral Fallacy, 19.

Why it is not expedient to suffer these Fallacies to prevail, 20.

1. It degrades the Temperance Reformation, 20.
2. It creates a factitious conscience, 21.
3. It breaks down the conscience of those imposed on, 21.
4. It corrupts the conscience of those who connive at the imposition, 23.

The *true* argument of Total Abstinence incompatible with these fallacies, 26.

PRACTICAL CONSEQUENCES OF THE FUNDAMENTAL FALSEHOOD, 26.

What should be the line of operation of a true Temperance Reformation, 26.

From this line the Temperance Societies have departed in every particular, 27.

1. By insisting that temperance is intemperance, 28.
2. By asserting that temptation is irresistible, 31.

3. By imputing the guilt of drunkenness mainly to the act of temptation, 32.

These points are illustrated in the history of TEMPERANCE LEGISLATION, 36.

1. The *Maine Law* is a specimen of the quackery that would abolish vice in a single act, by exterminating temptation, 36.
2. It seeks to accomplish its end in the most offensive manner, 37.
3. It studiously confounds guilty acts with innocent ones, 37.
4. It seeks to make society exclusively dependent on itself, 38.
5. It interferes to protect drunkenness from punishment, 39.

The condition of things which has resulted from Temperance Legislation, 39.

THE FUTURE POLICY OF TEMPERANCE REFORM, 40.

1. What the present reformers propose—to do the same thing over again, 40.
2. What the history of the past suggests:
 - (1) To come back upon a basis of genuine facts and admitted principles, 41.
 - (2) To rely on worthy and adequate motives, and abiding institutions, 42.
 - (3) In legal measures for the suppression of drunkenness, to keep in mind that drunkenness is the *principal* crime and not the incidental or accessory crime, 42.
 - (4) In legislating against *liquor-selling*, to remember that it is only as accessory to the crime of drunkenness that this business becomes obnoxious to punishment, 45; and therefore to distinguish between
 - a. Sales which are obviously right, 46.
 - b. Sales which are obviously wrong, 47.
 - c. Sales which are of doubtful character, 48.

Laws thus contrived in conformity with sound ethical principles, will not require to have "the people educated up to them," but will be approved by the common conscience, 48.

MISTAKES AND FAILURES

OF THE

TEMPERANCE REFORMATION.

It is not necessarily a reproach against the Temperance Reformation that now, decaying and waxing old, it is ready to vanish away. Many a good thing, before this, has had its day, and its decline, and has entered gracefully into its worthy place in history. The symptoms of decline in that great movement which is to be known hereafter as the Temperance Reformation of the Nineteenth Century, are not only perceptible to cool observers; even the affection of devoted partisans is not so blind as not to see them. Whatever hopes its friends and supporters may have of its future revival or resurrection, they will hardly deny that, in the present course of things, we are getting rapidly toward the time when its epitaph and history will have to be written. Considered as a great popular movement, it passed its culmination many years ago, and, like all such agitations in their decline, is making feeble efforts to repeat itself. Vain efforts—for it would be out of accord with history, if the world should be put back to the old point in its course, and run this twenty-five years of agitation over again in the same groove.

And what profit, if it could be? Given the same starting point and the same course, the world could not but bring up at last at the same result; and is this the thing we are to desire, in the name of philanthropy and public morality? We may have a *new* Temperance Reformation, but the old one over again—hardly. The old

soldiers of the late war will continue to "fight their battles o'er again"—to "shoulder the crutch and show how fields were won," and its surviving stipendiaries will continue to draw their well-earned pensions from the dwindling current of public benefaction. These are the usual *sequelæ* of a great public movement. But as to the movement itself—*actum est*. What remains is, first and most important, to make a careful autopsy, in the interest of humanity and science, to discover the cause of this untimely demise; and then for the historian to build a monument and write an epitaph worthy of the real dignity and grandeur of the deceased. Only let the *post-mortem* come first, and the funeral and the eulogy afterward.

We have undertaken the examination—an ungracious task. The Egyptians were wont to employ the embalmer to fit their dead for honorable burial and then to pelt him with mud—for desecrating the body with an incision. Let him who wields his scalpel over the *cadaver* of the Temperance Reform, look out for like treatment.

There is no doubt that the eulogist of the Temperance Reformation, whenever it shall be his turn, will find abundant materials for his work. It is a fair question, even, on which we cannot pronounce—so near are we to the event—whether the best years of that reform will not be reckoned among the noblest in the annals of Christian heroism.

Consider it. It was in the fulfillment of Christian duty in its highest grade of attainment, that the expedient of *abstinence by the temperate*, which was the initial and characteristic expedient of this Reformation, was inaugurated. It was grounded on the duty—so indefinable in its application that it must be left to the judgment of each man's conscience—so easy, therefore, to be evaded—the duty of waiving one's liberty, in lawful things, in favor of the morbid weakness or error of other men. It was on this sole ground that the best men in the country came, about the year 1836, to a wonderfully unanimous and simultaneous agreement to renounce entirely the use, not only of ardent spirits, but of all malt and

fermented liquors. A greater triumph of Christian principle the world has rarely seen in all its history. There have been individual acts more heroic; but such a movement of general self-renunciation, in face of habit, in face of social usage, in face of natural tastes and desires—a movement of the mass of the Christian public in all its ranks, as of a cloud “which moveth altogether if it move at all”—a movement, nevertheless, in which each soul proceeded on its own individual will, without constraint, to renounce for humanity’s sake an innocent, a lawful, in frequent instances a very useful indulgence—such a movement is characterized by a moral dignity which is hardly rivaled in the history of the church universal. It is a great part of the glory of the early abstinence movement, that it was a movement for abstinence from *lawful* things. If abstinence could have been enforced as a duty by absolute and independent sanctions, it would have been less an honor to the abstainers than now. It is another part of that glory (if we may so speak, without too bold a paradox), that the sacrifice which it involved was so small a one. To rescue the land from drunkenness, those early reformers were willing not only to do some great thing; they were willing day by day to do little things, which is harder and more heroic. They were willing to practice little self-denials, to withstand petty oppositions and suffer paltry annoyances; to be sneered at by the frivolous, and denounced by the selfish, and coldly approved by the self-sufficient, until by-and-by the meek inherited the land. Those advocates of the “Temperance Cause” who seek to honor it by magnifying the “sin of moderate drinking” and exalting the arduous heroism of the reformer, really defeat their own purpose, and disparage what they would extol. We shall not go far in this discussion without finding other instances in which the Temperance Reformation has been wounded by the awkward and superfluous activity of its friends.

The early Abstinence movement as we have described it, founded on a true principle of Christian ethics, and marked by the grandeur of a free, spontaneous movement of public philanthropy, was *justified by the emergency* in which it

arose, and, after all allowances which any man will claim, has been *approved by the issue*.

It was *justified by the emergency*. Judging from unquestionable statements and descriptions, the state of American society fifty years ago was such as we do not commonly conceive at this day. "All tables were full of vomit and filthiness—there was no place clean." Old persons now living, who, in their youth, had large acquaintance with public men, can tell us how many eminent citizens, how many honorable judges, how many beloved physicians, passed in their latter days under a cloud which rested at last upon their graves; and the ecclesiastical and clerical records of every denomination show how common a thing it used to be for an aged and venerable minister of the gospel, as his natural force abated, to decline into habits which demanded his seclusion from the ministry.*

* A letter from the late Rev. Dr. Woods, of Andover, published so long ago as 1836, in the Annual Report of the American Temperance Society for that year, contains the following testimony:

"I remember that at a particular period, before the Temperance Reformation commenced, I was able to count up nearly forty ministers of the gospel, and none of them at a very great distance, who were either drunkards, or so far addicted to intemperate drinking that their reputation and usefulness were greatly injured, if not utterly ruined. And I could mention an ordination that took place about twenty years ago, at which I myself was ashamed and grieved to see two aged ministers literally drunk, and a third indecently excited with strong drink." Report, p. 50.

This testimony coincides with that of "an aged divine in Albany" to Mr. Edward C. Delavan, quoted by the latter in a letter to Governor King of this State in 1857. This anonymous witness "found that fifty per cent. of the clergy within a circuit of fifty miles, died drunkards!"

Such irresponsible talk as this is of course to be taken with large allowance. But the fact that such a statement could be made at all, without palpable absurdity, proves a state of society to have existed which it is difficult for us to conceive of at present.

There are many anecdotes of leading professional men of this city in the past generation, current in family and professional circles, which confirm the representation we have given of the state of society in their day. It would be a needless pain to draw them out of the obscurity of tradition, in order to prove a point which will hardly be denied by any one.

Notice, here, the *date*, under which Dr. Woods speaks of general drunkenness as characteristic of a *past* state of society. It would appear from this, and from sundry other documentary indications, that the great conquest of the Temperance

We are prepared to say, further, that the right and expediency of the *early* abstinence movement has been *approved by the result*. With all the pitiable features of the present aspect of society in respect to intemperance, and all the deformities and *opprobria* of the Temperance Reformation in full view, we have nevertheless no hesitation in repeating this conviction. We shall use great plainness of speech when we come by-and-by to say what the Temperance Reformation has failed to do, and what it has done amiss. But thus much it has done, and that in main reliance on the leading expedient of the total abstinence of temperate men :

It has rescued many individuals from drunkenness.

It has doubtless held back many persons from perilous beginnings of temptation that would otherwise have proved their ruin.

It has broken, so that they can never be repaired, the pernicious and despotic drinking usages of society.

It has taught (by a transient and unstable experiment) that social influences, organized in the interest of vice, may be successfully combated by social organizations in behalf of virtue.

It has contributed something to the sound literature of social reform.

If it has settled no principles, it has *unsettled* a great many convictions, and has opened—not closed—important discussions.

Saying nothing now of what it has undone, misdone, and failed to do, these things it has done ; they are among the triumphs of the Christian expedient of renouncing an innocent thing for the sake of other men's consciences. For, in the golden age of the Temperance Reformation, it was a *mere expedient*, not a principle ; and this (as we have said) was the glory of it, that when it could be enforced by no law, the sacrifice was cheerfully assumed for love's sake.*

Reformation was achieved during its first decade, from 1826 to 1836, before the present pledge, forbidding not only distilled but fermented liquors, was introduced.

* For a summary of the results of the Temperance Reform, see the letter of Mr. Delavan to Governor King, in the Appendix to "Nott's Temperance Lectures," p. 297. Also the successive Annual Reports of the American Temperance Union.

We have spoken with some particularity of the *early* abstinence movement, as if there were something distinguishing about it as compared with the more recent "Temperance Reformation." We believe this to be the fact. We believe, and are ready to prove, that this reformation has departed from sound Scriptural principles and right measures, and is now prosecuted on fallacious principles and by means of measures the unfitness and wrongness of which are witnessed by their constant failure.

The revolution in the Temperance Reformation has been on this wise. Not long after the first flush of its vigor, it passed its period of highest vitality, and from that moment its decay was rapid.* It passed from a *movement* into an *institution*. It passed out of the control and management of zealous and philanthropic men, who gave to it the judgment that had been ripened, the influence that had been earned, and the vigor that had been trained in various pursuits—men whose zeal was tempered, not cooled, by the necessity of holding this particular subject constantly in relation and comparison with other practical matters; and it passed under the control of specialists, of professional reformers, of stipendiary agitators, of men who, bringing to the exclusive consideration of a somewhat exciting subject the sort of mental predisposition which is common to the riders of hobbies, gradually develop a monomania more or less gentle according to the natural temper of the subject, and aggravated constantly by the unremitting pressure of the exciting cause.

Now when the original movement began to cool off into an institution, it is no wonder that its loss of inward vital force should begin to be supplemented with artificial stimulants, and that its spontaneous expedients of Christian affection should begin to petrify into forms of social law. By just so

* The rudiments of the change described above as coming over the spirit of the Temperance movement, are to be discerned very early in the history of it. No point of time is to be indicated as the point of transition from its success to its decadence. These rudiments of corruption infected the speech of some of its earliest advocates. A sermon (from which we shall hereafter quote) by the Rev. Mr. Kirk, about the year 1837, anticipates many of the fallacies in sustaining which a great proportion of the energies of the reform has since been wasted.

much as the genuine spirit of Christian zeal declined among the reformers or their successors, it left behind it a half-animated body of formalism or asceticism. The institution has now its corporate interests and a corporate spirit, besides the spirit of the reform which it espouses. The vice which it opposes is now doubly guilty, first, as a sin against God and man, secondly, as a lese-majesty against the Temperance Society. So the institution settles its formulas, erects its code, affixes its penalties, enforces them. The course which, to meet the emergency of the time, had at the outset been urged on the ground of Christian expediency, liberty, and love, is now enjoined on the ground of *absolute duty*.

It requires no great acuteness of mind to see that the change thus wrought is a radical one. Every man can see and *feel* the difference between an appeal to him to waive his lawful liberty, lest it should harm his brother, and a demand that he shall give up what he knows to be indifferent in itself, because it is denounced as a sin in itself, and because his liberty is to be held subject to another man's conscience. This is the thirty-second degree of the thermometer—the freezing point, where the free act of brotherly love congeals into a form of law, and becomes a yoke of tradition from the elders.

This, then, is the fundamental falsehood which infects the "Temperance Reformation" as now prosecuted (if that may be called *prosecution* which consists mainly in a fussy routine without progress)—that the temperate use of drinks that might intoxicate is a sin, not for its probable consequences in the particular instance, but in itself. It will be obvious, in the course of this discussion, that it was not the force of mistaken argument that led to the adoption of this false position, but, plainly enough, that the false position has led to the adoption of a train of fallacious arguments wherewith to sustain it. The chief of these fallacies it is worth while rapidly to recapitulate. We may name them:

1. The Biblical fallacy;
2. The Physiological and Chemical fallacy;
3. The Progressive-Approach fallacy;
4. The Moral fallacy.

1. *The Biblical fallaey*: in which it is assumed or asserted that the duty of total abstinence from all fermented drinks is inculcated on mankind in the Holy Scriptures. The argument with which this position is defended, whatever may be its repute among scholars, is a mighty one *ad captandum vulgus*, for it is black, and angular, and formidable with quotations of the Hebrew text, or asthmatic with *h*'s, and *hh*'s, and *kh*'s, and *ch*'s, and other vain Occidental imitations of Oriental gutturals. It is dealt in most lavishly by lecturers of the unlearned rank, and is undoubtedly effective, in a measure, with audiences of like capacity. And yet it does not need a scholar to see through its sophistries. The argument goes limping through the Old Testament, leaning on pedantic quotations of the various Hebrew words for wine—*tirosh*, and *yayin*, and *mesech*, and *shechar*—and at last breaks down suddenly when it gets to the New Testament, where there is only one word for wine, and that means precisely *wine*.* Some biblical scholars have been misled into this argument, and a great many others have been bullied or persuaded into not denying it nor (publicly) laughing at it.†

The gist of the biblical argument is this: there are sev-

* It is said to be a standing joke with the Ameriean missionaries in Syria to offer their traveler guests "some of Professor Stuart's best-wine-of-Lebanon," which, on trial, proves to be *dibs*, an inspissated grape sirup used by the natives in their cookery. It is not an easy article to swallow under any such name as the temperance expositors have dignified it with.

† The grand authority and thesaurus of the total abstinence men, in the biblical argument, is the "Temperance Leetures" of President Nott, edited, with a learned appendix on the philological aspects of the question, by a "Professor" McCoy. The critical labors of this philologist leave on his readers the profound impression that he does not know the Greek alphabet. On a hasty count we find, in a table of 137 Greek words whieh he gives, 66 mistakes of orthography. And yet this imposture comes before the public with no less respectable an indorsement than that of Professor Tayler Lewis.

It is amusing to see that even the tolerably stiff statements of Dr. Nott fall below the best standards of total abstinence orthodoxy. An unguarded expression in one of the lectures, that the wine permitted in the Scriptures might not have been "always unaffected by fermentation, but only slightly and insensibly affected by it," gave "offense to many sincere friends of the cause," who consequently "felt it their duty to repudiate and condemn it." The learned McCoy apologizes for, but does not undertake to defend, the old doctor's "gratuitous and unfortunate admission."—*Nott's Lectures*, pp. 116-119.

eral words in the Hebrew of the Old Testament, which are translated *wine* in the English version. When wine is spoken of with commendation or allowance, it is commonly under that name which should be translated *sirup* or *unfermented grape juice*: when fermented wine is meant it is always spoken of with reprobation. The New Testament being interpreted by the Old, they infer that the wine made, or used, or tolerated by the Saviour was unfermented.

Of course the reasoning will not hold water—nor wine. When the deacons (1 Tim. iii. 8) are required to be “not given to *much* wine,” are they warned against hurting their stomachs with too much molasses, or against an intoxicating drink? and if the latter, does not the warning against *much* imply the permission of a little?

2. *The Physiological fallacy*: “Alcohol is a poison, and therefore all use of fermented drinks is, so far as it goes, an act of suicide.” It would be easy to admit the premise of this precious bit of reasoning without admitting the conclusion. Doubtless, *extracted and isolated*, alcohol would be a poison, if any one should drink it. But this does not convict all those articles of being poisons from which it can be extracted. The lactucarium is a poison, if any one should try to feed on it; but it is not therefore a sin to eat lettuce. Oxalic acid is “an energetic poison;” but we need not therefore abandon the use of the garden rhubarb. Acetic acid is decidedly a poison; but no one has yet demanded, on moral grounds, a total abstinence from pickles. Citric acid would be very bad for a man if he should take too much of it; but lemonade has not yet been placed on the *Index Expurgatorius* of the Temperance Society. Common salt is a poison, in poisonous doses; but let us not on that account be over hasty in adopting the present usage of the people of the rebel States, regarding that favorite condiment and antiseptic. One of the deadliest of known poisons is the hydrocyanic acid; but must the peach leaves and the bitter almonds be therefore hunted out of the kitchen pantry?

The evidence as to the true position of alcoholic liquors in the *Materia Medica* and in the *Materia Alimentaria*, has been

so much cooked and garbled by partisan writers, that it is difficult for those outside of the circle of professional students of physiology, to find the materials for a candid opinion. The arguments of the abstinence men are of three sorts: 1. Arguments derived from speculations in organic chemistry. Of these it is sufficient for those who are *not* adepts, to say that the opinions of those who *are*, are too contradictory and unsettled to afford a basis of judgment. We can refer to numerous sermons and speeches that have been delivered from texts in Liebig, which the progress of his own science has shown to be false. 2. Arguments from medical experiment, whether *in corpore vili* of some miserable victim who submits to be alcoholized for the benefit of science, or on the bodies of dogs who are tricked into making beasts of themselves that the experimenter, opening their bodies *flagrante delicto*, may see how the liquor works upon the system. Of both these two sorts of argument it is safe to say that, unsupported by practical experience, they are always looked upon with distrust by wise physicians. 3. The argument from induction,—which is the only one of real importance. And as for this argument, after allowing for all the difficulties which embarrass it in consequence of years of partisan discussion,—after giving full credit to the weighty name of Carpenter the physiologist, and to the still weightier facts and instances which he adduces in favor of the physiological doctrine of total abstinence,—after putting into the scale the cogent though ungrammatical testimony of two thousand members of the medical profession in England, including some very eminent and judicious men, to the proposition (which nobody denies), that “the most perfect health is compatible with total abstinence,”—after all these allowances, the balance of opinion and facts is decidedly *against* the dogma that the moderate dietetic use of malt and fermented drinks is unwholesome or not useful.*

* Of course no account need be taken of the summaries of medical opinion presented in the tracts of professional reformers. In scientific value, and in fairness of citation, these medical works belong in the same rank with the medical almanacs of Dr. Brandreth and Dr. Ayer.

We have refrained with some self-denial, from commenting on some of the

The following propositions would perhaps be accepted by physicians generally as expressing some of the results of medical science in its bearing on the total abstinence question.

1. The doctrine that alcohol serves as a "respiratory food," being oxydized in the lungs, is discredited by recent experiments.

2. The fact remains, that when, either from privation, or loss of appetite, or other cause, the system receives a reduced supply of food, the use of alcohol does, for protracted periods, sustain the strength and prevent emaciation.

3. The action of alcohol after distillation, on the human system, is different in important respects from its action when taken in the form of fermented drinks. For instance, a pint of brandy and water, containing a certain amount of alcohol, will intoxicate, when a pint of wine or beer, containing the same amount of alcohol in its natural combination, will not.

4. Perfect health may be compatible either with the moderate use of fermented drinks, or with entire abstinence from them.

5. There are "modifications of the bodily condition, short of actual disease, in which the occasional or habitual use of alcoholic liquors may be necessary or beneficial."

The last proposition is in the words of Dr. Carpenter, the highest authority of the total abstinence party. For it, he informs us, his "Prize Essay" has been denounced by some of the temperance reformers themselves, as "doing as much harm as good to the cause of temperance."*

3. *The Progressive-Approach fallacy*: "If one drop of

livelier physiological extravagances of the abstinence party; such as the assertion of Dr. Mussey, that the *Materia Medica* would be no loser if the use of alcohol for tinctures was abolished (Dr. Mussey's Prize Essay); or the awful warning deduced by Dr. Pierson from the death of Dr. Holyoke at the untimely age of one hundred years, in consequence of his fatal habit of taking every day after dinner, with his pipe, "a preparation consisting of one tablespoonful of Jamaica rum, and one tablespoonful of cider, diluted with water."

* See a Letter from Dr. Carpenter to the Editor of the *Westminster Review*, published in that quarterly for January, 1856.

Dr. Carpenter's Prize Essay on "The Use and Abuse of Alcoholic Liquors," has been republished by Blanchard & Lea, Philadelphia. An answer to it was printed in the *Westminster Review* for July, 1855.

wine does not make drunk, then two will not, and if not two, then not three, and if not three, then (by progressive approach) not three hundred, nor three thousand, nor three millions. And on the contrary, if a quart of wine makes drunk, a drop of wine does, in its degree."

When we hear men resorting to this form of argument—the Sorites—we do well to be suspicious of them, for of all the figures of logic, it is the most notoriously tricky and untrustworthy. To exhibit just where the catch of the fallacy lies would be more appropriate to a tract on logic than to one on Temperance. It is enough to say that the argument proves an absurdity; for it is just as effective to break down most other moral distinctions, as to break down the distinction between temperance and excess in the use of wine or cider. You cannot define exactly where a praiseworthy thrift begins to turn into a censurable parsimony; but, for all that, we are not going to take a monastic "vow of poverty," nor enact the Spartan "prohibitory law" against the accumulation of money. You cannot tell where good taste in dress becomes extravagance; but, for all that, we shall hardly join the Quakers in a pledge of total abstinence from ornament. You cannot draw the line at which a holy resistance to tyranny degenerates into faction and sedition; but for all that, we are not going to renounce or deny the right of revolution. There are some questions of duty that are, and must be, left for each conscience to settle for itself, as it shall answer to its own Master.*

It is a curious illustration of the uncertainty of organic chemistry as a rule of medical or hygienic practice, that the chemical theories on which Dr. Carpenter and his antagonist fought out the discussion less than ten years ago, are now abandoned by both parties in consequence of more recent experiments.

A series of popular articles on the question, "Is Alcohol Food, Medicine, or Poison?" have been produced within two or three years in the *Cornhill Magazine*, which take into view the most recent experiments bearing on the subject.

For a temperate statement of the dietetic value of the various alcoholic liquors, see Pereira on "Food and Diet," pp. 26, 27; 76-80.

* See a lively passage in Macaulay's *History of England* (chap. ix. at the beginning), showing the ethical absurdities into which this sort of reasoning leads.

The abstinence men, by the way, do not seem to have suspected that this

4. *The Moral fallacy*—so called by courtesy. It would be better to say the immoral and demoralizing argument; for probably there is no one mistake of the Temperance Societies which more than this has caused the Temperance Reformation to “send forth a stinking savor” into the nostrils of good men. It lies in asserting that the temptation and passion which lead to drunkenness are uncontrollable—a most pernicious and corrupting assertion, the vicious consequences of which are felt in all the relations of the Temperance Reformation. We shall have to speak of it again and again, before we have done with this discussion.

Note the genesis of this pitiable mistake. It is not a false premise, which has misled the Temperance reformers to wrong conclusions. It is a false argument, to which they have resorted from the necessity of defending a false position. The point to be achieved was to compel everybody, everywhere and always, to adopt the total abstinence practice. The thesis to be proved was that the temperate use of wine, beer and cider was a sin. Accordingly, when the Biblical and Scientific arguments, and the “Progressive-Approach” quibble, fell somewhat short of producing conviction, the Moral argument became a necessity of the situation. The rhetorical capabilities of the argument were superior. It was to be supported mainly by confident assertion and frequent reiteration, together with intense descriptions and the narration of horrible “experiences.” Withal, it commended itself to the complacency of the scurrilous army of ditch-delivered lecturing reformed drunkards (whose glory was in their shame), inasmuch as it mitigated or excused their crimes, at the same time that it cast a slur on decent people.

It was a two-edged weapon. It claimed that the passion for intoxication excited by moderate drinking is overwhelming—irresistible; that the point of responsibility for drunkenness is, therefore, not where temperance verges toward excess, but at the first violation of the total abstinence principle. In its zeal against “moderate drinking” its mild argument may be used just as effectively to prove that a quart of brandy will *not* intoxicate, as to prove that a teaspoonful of cider *will*.

censures against drunkenness lost all their emphasis. It was so fierce to make temperance a crime, that it made out intemperance to be only a misfortune.

We shall see, soon, how this piece of sophistry has infected all the various measures of recent Temperance Reform.

Just here, doubtless, a question of expediency will arise in many minds, whether, after all, the diffusion of these fallacies is not doing so much good that it is better not to try to expose them, but rather let them go on and accomplish what good they can. The question is not of the sort which weighs much in ingenuous minds; but some minds are not ingenuous, and it must needs be answered for the benefit of such.

And the answer is—promptly and decisively—it is *not* expedient to conceal and abet the fallacies of the recent Temperance Reformers; and the fact that it is manifestly inexpedient, completes the evidence that their fallacies are fallacies. It is inexpedient to propagate falsehoods, and those sentiments are falsehoods which it is inexpedient to propagate.

Witness some of the evil results incidental to the prosecution of the Temperance Reformation on delusive principles:

1. It brings down a great and noble reformation of morals into the category of those petty and impotent crusades against vice, which proceed on the supposition that the proper antidote for laxity is austerity and superstition,—on the strange policy which thinks more effectually to rebuke an evil, not by rebuking the evil itself, but by denouncing it in common with innocent or useful things with which it is associated. Social dissipation needs to be checked, and indelicate and lascivious dances to be discountenanced, and so the wise people institute a raid against innocent cotillions. Gambling is a prevalent vice, the wickedness of which really needs to be exposed, and to be intelligibly impressed on the conscience of society. But instead of doing this, it is held to be better to try to breed a superstitious horror of colored cards, a fear of billiard tables, and a reverential dread of the lot.* Doubtless many a devout person mourns, because ten-

* Witness the protest of sundry clergymen of this city, last winter, against the proposed introduction of *raffling* at the Metropolitan Sanitary Fair. It was a

pin alleys could not be permanently sequestered to purposes of iniquity, under the same condemnation. Twenty years ago, profaneness, mustaches, smoking, soft hats and dissipation were pretty much confounded under the sweep of public censure. Considerable discrimination has been learned since that time, and yet the force of the protest against profaneness and dissipation has not been much weakened by it—not very much.

2. The prosecution of the Temperance Reformation on these fallacious grounds tends to create a *factitious conscience* in those who are persuaded by it. (We pass over the consideration of its effect on those who are repelled from it at the start by the evidently unscriptural and unreasonable nature of its demands.) What the result of such an artificial conscience is, in weakening and perverting the true moral sense, is evident by a multitude of instances drawn from every system of "will-worship" that has been brought into the world, from the days of Cain till now. God's law is fitted to man's capacity. By as much as you superadd to it human traditions and ordinances, you drive out judgment and the love of God. Increase forms without sanction, and you starve the spirit. Multiply saints' days, and you lose the Sabbath. Introduce penance, and you expel repentance. If you would see the natural result of this sort of training, find it in the case of your servants, who steal eggs to keep Lent on; or in the case of that eminent Christian of the Greek Church, who, in pursuing his lawful calling of piracy, was much shocked and troubled in conscience to get blood in his mouth on a Friday. The late talk of the Temperance Reformers, with its sharply-defined and formulated rules of duty, is the very Pharisaism of the Christian dispensation, and its Pharisaic nature shows out in its developments.

3. By this treatment, the new temperance dogmas prepare for finally *breaking down the conscience* with a crash. This

timely protest against the intended desecration of a noble charity by a mischievous abuse. But instead of being predicated on the strong and simple reasons that forbid gambling in general, to what a pitiful superstition did it make appeal!

is the natural result of multiplying artificial enactments of morality.

It is no very difficult matter to institute these conventional laws, and give them the show of authority, especially with very young and very ignorant persons. You can train your boy so that he will grow up to years of discretion with a profound religious conviction that *ball playing* is a sin against God, and you can train yourself at the same time into a thankful assurance that you have thereby secured him against many perils of evil company. But there will be, finally, one of two results: (1.) The boy, by unusual obedience, and self-denial, and faith in his parents, may perhaps refrain from the innocent play, with an upright conscience, until, being come to years of discretion, he observes and reasons for himself, and then discovers that he has been imposed upon by the fraud or superstition or ignorance of his parents. What then? Is it only his views on ball playing that are disturbed? Nay! the foundations are destroyed, and what shall the righteous do? Everything is unsettled; and it shall be well for him and for others if he do not rush to the conclusion, that if this is not wrong, then nothing is wrong. Faith in his parents and Christian teachers ought to have been the round in the ladder by which he should rise to faith in God; he rested his weight on this round and it broke under his foot. (2.) But more likely the mere word of his parents will not be enough to hold him back from the common practice and amusement of his comrades. "With a vague, secret sense of transgression," he will be tempted into the innocent game—innocent except for him. He will go into it with a doubtful conscience, and therefore with a guilty one, and this artifice of over-righteousness shall become the very "snare of the fowler" to his soul. Undoubtedly it is true, as temperance orators claim—oftener true now than it used to be—that many a young criminal can refer to his first glass of cider as the beginning of his career of crime.* So evil a thing is it for the conscience, to turn the kingdom of God into

* See an instructive passage in F. W. Robertson's Sermons, Second series, pp. 209, 210.

meat and drink! So perilous a business is the inventing of new sins!

4. But the most pitiable effect of the shuffle by which this fallacy has been slipped into the substructure of the Temperance Reformation is this: that it is *debauching the conscience of the Temperance Reformers themselves, and of the Church of Christ.*

Read the list of eminent citizens which monthly decorates the head of that more or less amusing periodical, the "*Journal of the American Temperance Union*,"—the list of officers of the society. There are thirty-seven of them, all in a row. We are an obscure individual, and these are illustrious generals, admirals, honorables, and doctors of divinity; consequently our personal acquaintance with them is limited. Will some one who knows tell us how many of the number practice total abstinence themselves? Also, how many of them even defend the principles (in private) which their names are annually and monthly paraded to sustain? Also, how many of the stanchest Abdiels of them all "*animum mutant cum trans mare currunt?*"

The executive committee of the American Tract Society, Nassau Street, New York, is composed of gentlemen of a character for all the private virtues which is more than fair—it is resplendent. By way of issuing what shall approve itself to all evangelical Christians, they have set forth a series of controversial pamphlets on the total abstinence question, which would not get a majority vote of approbation from any Church in Christendom outside of America and the American missions. How many of these gentlemen personally advocate the rule of total abstinence? how many of them ostensibly practice it? how many *really* do? how many of them take their wine regularly? how many of them only occasionally? how many of them (to use the standard phrase) "put their bottle to their neighbors' lips" at dinners and evening parties? Does Mr. _____?—but it would be cruel to call names. Questions like these were propounded one day at the Academy of Music, in the presence of these gentlemen, but received no

response, except a flourish of the excellent Dr. Spring's tobacco-box, and a general wincing all round the stage.

"Shame!" says the Christian public, "this is only the slanderous innuendo of an anonymous writer against some of the best and most consistent people." Dear public, Christian public, credulous public, you are mistaken. This code of Christian duties, which is set forth with such most unctuous unction, is meant for the lower classes. It is esteemed a good thing for the rural districts. It will be voted through unanimously in synods and other mixed meetings, out of consideration to weak consciences and country members; but when you come down to matters of practical importance, as at the dinner-table, there is a good deal to be said on the other side of the question. You supposed, dear public, that this code was meant to apply in Madison Square and on Murray Hill? Bless your simple soul!

We cannot jest about this matter; it is too painful a business. This total-abstinence movement may have done a great deal of good. We confidently believe that it has. God be thanked for all that is to be reckoned to that side of the account. But if it has cost the Church of Christ its good conscience before its Lord, it has *cost too much*. These officers, let it be remembered, are not peculiar members of the community. "Like people like priest." The churches are full, in pulpit and pews, of fluent talkers in the cant of the total-abstinence movement, who, whether overtly or covertly, are living in habitual violation of its principles. This is so common—so common among the best men—that it calls out not even remark, much less the exercise of Christian rebuke or discipline. Our Temperance Reformation has *cost too much*. For there are some things that are worse than drunkenness. The Pharisaism which binds heavy burdens and grievous to be borne, and lays them on other men's shoulders, but will not touch them with one of its fingers, is worse than drunkenness. The "dastardly condemnation of the weak, for sins which are venial in the strong," is worse than drunkenness. The breaking of the simple, transparent integrity of the conscience of the Christian Church and ministry, is worse than drunken-

ness. It was a pitiable sight, fifty years ago, at an ordination, to see "two aged ministers literally drunk, and a third indecently excited with strong drink."* It was a sadder sight, notwithstanding all that there was of ludicrous about it, five years ago, at a great meeting of a great Christian society, to see the board of its officers, when charged with publishing sentiments and precepts which privately they did not pretend to hold nor practice, nudging one another round the platform.† *Wo unto you, hypocrites!*

Do we, then, oppose total abstinence? By no means. It has been, in its day, a most useful expedient. It may often be such again. What we do is this: We abandon the commandments of men and come back to something better and safer—to the principle of Christian liberty and love. "If meat make my brother to offend, I will eat no meat while the world standeth;" that is, I will abstain if I can do any good by it. Only mark here two things: 1. On the question whether or not abstinence is expedient in any particular case, the decision is left to each man's conscience in the sight of God; and, in deciding it, if he is a man, he is not to be bullied nor dictated to by all the force of the Temperance Union, with all the sanctity of the Tract Society to back it. 2. Further, however cheerfully we may give up a lawful thing to help our weak brother, we do not undertake any obligation to say to him that the lawful thing is unlawful. We won't tell lies for anybody's weak brother.

There are two ways of approaching a person who is in danger of excess in wine. One way is to tell him that wine is poisonous; that it never does anybody good, but always harm; that the Bible forbids all use of it; that those who use it at all have no security against being drunkards; that therefore it is wicked ever to drink wine, and you never do. To all which, if he is a tolerably intelligent man, he will probably answer, "*pooh!*!" The other way is to tell him the truth; to assure him, with such proofs as you can show, that he is in personal peril; to point out the personal importance

* See letter of the Rev. Dr. Woods, above quoted.

† See the New York daily papers of May, 1859.

to him of a rigorous abstinence, and to offer to him, if it will be of any help to him in such a course, that you will give up for *his* sake the daily glass of wine or ale which is important to your comfort or your health.

It is because this latter method is founded in truth and godly sincerity that we believe it to be effective and expedient; and because it is so evidently the effective and expedient way, that we are reassured that it is true.

But let all temperance reasoners bear in mind, what almost all of them have forgotten, that if this argument from Christian liberty is to be used, then the argument from the absolute duty of abstinence must be renounced; and *vice versa*. The two are incompatible. It is not competent to urge a man, on the ground of lawful expediency, to refrain from the use of a slow poison and from the practice of gradual suicide; nor to forbid as a sin *per se* the "lawful thing which is not expedient." Some of the abstinence orators seem to have seen how the rest have stultified themselves with two inconsistent arguments, and in making their own election between the two have decided with great unanimity to appeal to law rather than love, to physiology and organic chemistry rather than to the gospel, to Liebig rather than to Paul. A sad mistake!

It must be quite unnecessary to show that the false position and fallacious arguments of the Temperance Reformation, which we have now exhibited, are not mere mistakes of theory, having no practical bearings or consequences. The monstrous mistakes of *action* which have characterized all its declining years, and of which we have now to speak, are distinctly traceable to its first falsehood.

It would seem that the obvious line of operation of a society for suppressing the crime of drunkenness should be something like this: 1. As towards society—to fasten public attention firmly upon the main subject; to inform the public mind thoroughly of the substantial facts and unquestionable principles of the case; to quicken the public conscience to a healthful sensitiveness on the subject of the great sin to be

opposed ; to consolidate society, to the utmost, in opposition to drunkenness ; to bind itself in the closest possible alliance with the church of Christ. 2. As towards the criminals themselves—to strengthen the moral power of motives for refraining from crime ; to increase the restraints of law to deter from it. 3. As towards the antecedents of drunkenness—to demonstrate, by every just argument, the wickedness of enticing to drunkenness ; to discourage, by all just considerations, such temperate use of liquors capable of producing intoxication, as is likely to do harm. This is the course which the Temperance Reformation mainly followed in its best days.

The complaint which we have to make against the Temperance Reformation as now conducted, a complaint which we are willing to “give bonds to prosecute,” is this, that in all these points it has departed from its obvious duty, and gone, wittingly or unwittingly, in the opposite direction. Dealing with society, it has diverted the public attention from the subject of drunkenness ; it has confused the public mind with fanciful theories and unsubstantiated allegations and chimerical plans ; it has demoralized the conscience of society concerning the guilt of drunkenness ; it has divided and alienated the good-will of the people ; it has sundered the natural alliance of its work of moral and social reform with the Christian church. Dealing with the victim of this sin, it has weakened the force of motives over him, and cut the sinews of his will ; it has diverted from his crime the reprobation of public sentiment, and the effective force of punitive law. Dealing with the enticements and antecedents to drunkenness, it has, indirectly and unconsciously, palliated the guilt of enticing to drunkenness ; it has taken from the consciences of the unwary the safe guards against the dangerous temperate use of drinks that might intoxicate.

This is a long indictment, and the limits of space within which we propose to restrict ourselves forbid a long argument. We can do little more than “open the case.” Perhaps we may have more to say, when we have heard from the defense. For the present, let us say, briefly, that the Temperance Reformers have achieved these untoward results :—

1. By insisting, as the fundamental maxim of their argument, on the "total-abstinence" theory, that temperance is intemperance (this is hardly an exaggeration, even of their language), that moderation in the use of wine or beer is excess in the same, that the sin of drunkenness inheres in all "use of intoxicating liquors as a beverage."*

Notice how the influence of this mistake has run along through the whole course of proper reformatory effort, to vitiate or thwart it. The crime of drunkenness was a simple, clear object on which the attention of the public might have been fastened. It would have been prone enough, doubtless, to wander off upon related topics, towards which those interested in the maintenance of vice would have been glad enough to divert it. But there could have been no great difficulty in permanently fastening the public gaze upon it as

"The direful spring
Of woes unnumbered,"

in exhibiting the simple and undeniable but appalling facts which illustrate it, and the admitted principles which underlie the subject of the vice and its reform. Thus the conscience of the community might have been quickened to a

* The citations made by the late Rev. W. J. Conybeare in his very candid article on "Agitation and Legislation against Intemperance" (Ed. Rev., July, 1854), are a fair exhibition of the "state of the argument" on either side of the Atlantic. The following is from the report, in a Temperance paper, of a teetotal tea-party at Birmingham Town Hall:

— "After tea, the chairman proceeded to address the meeting: and so far forgot his position as to contend that *a glass of ale would do a man no harm*, and that *it was not poison* (!). He was followed by the two Messrs. Cadbury, who both ably refuted the strange assertions of the chairman. * * * We understand that the chairman has since resigned his position, if not his membership, in the society. Indeed it appeared to be full time. He is either a very silly person, or was acting a very disgraceful part."—Quoted in *Conybeare's Essays* p. 382.

"The motive which leads the zealots to insist so obstinately on this doctrine of *poison* is their desire to prevent even the smallest indulgence in fermented liquors.

* * * They assert *moderate drinking* to be an expression as self-contradictory as *moderate lying*, or *moderate stealing*. Indeed, the more zealous members of the sect show far greater abhorrence for moderate drinkers than for actual drunkards. The latter are represented as victims, the former as seducers."—*Id. 282.*

healthful horror of the sin. Thus it was quickened, when the Temperance Reformation was—younger and stronger than it now is.

How is it now? The arguments of the temperance men are scattered, and the attention of the public frittered away, and the whole flank of the reformation laid open to attack, by the policy of following out protracted and attenuated lines of argument, starting, often, from fanciful theories as a base. The whole decision of the question has been made to turn, sometimes, upon matters in the occult and imperfect sciences of physiology and organic chemistry, or on the slenderest evidence in Biblical archaeology or Shemitic philology.*

But not only is the strength of the Temperance cause with the *reason* of men damaged by postulating it on such weak assumptions, or at best such refined achievements of science—its strength with the popular *conscience* is still more pitifully reduced. There would doubtless be a certain apparent gain for the reform, if, *without compensating loss*, the public heart could be made to feel that the temperate use of wine or ale in the diet was a sin differing only in the degree of turpitude from the sin of debauchery. But how evident it is, that when it is attempted to force the public conscience to this position, all the opprobrium that is put upon temperate drinking is so much *deducted* from the disgrace of drunkenness! Once impress it on the general conscience that the Rev. Dr. A, with his daily bottle of Philadelphia ale, or old Judge B, who has never reformed his early habit of taking a thimblefull of sherry with his dinner, are just as guilty as the sots that get drunk daily at the corner-grocery, and if anything a

* As an instance of the way in which the whole temperance cause has been staked by its advocates on unessential and doubtful questions, we quote from a sermon by one of the best of American preachers, the Rev. Dr. Kirk, of Boston. It is proper to say that this sermon was preached more than a quarter of a century ago.

"I will say (to begin) that, if I can find that my blessed Redeemer made and gave intoxicating drink, I drop my strong argument. * * * * I GIVE UP THE TEMPERANCE CAUSE, because I advocate it on the belief that intoxicating drink (or alcohol rather), is a poison, and I do not believe Jesus Christ ever made poison to give to a man in health."

little more so,—and the result may be extremely annoying to A and B, doubtless (which we concede to be a good point gained), but not half so much so as it must be comforting to the grocer and his customers, and demoralizing to the conscience of the community. No doubt, the Temperance men have everything their own way for a time, by this process. But when the tide of their agitation ebbs a little, and the steady weight of character of the old judge and the reverend doctor ("those incorrigible rum-suckers," as they used to be called by the eloquent reformed drunkard from the next village) is felt as of old among the people, the general conviction is that after all that has been said, drunkenness is not so bad a thing if two such nice old gentlemen practice it every day.

On simple, admitted, undeniable principles, the whole moral force of society might easily have been concentrated against the prevalence of drunkenness. But instead of offering a broad platform, on which good men could gather, the Temperance Societies have preferred, in their fanatical confidence in their favorite notions of physiology and organic chemistry, their novel specialties in ethics, and their "private interpretations" of the Scriptures, to organize a faction and a sect. There was to be omnipotent virtue in a total-abstinence pledge; and the Temperance Society, founded on a fleeting excitement and a congeries of exaggerated theories, was supposed to be builded on a rock, and proof against the gates of hell. We remember that it used to be the favorite apology of ministers of a certain stripe, when dodging the demand that they should lend their aid in resisting the prodigious evils of drunkenness,—that they need not join the Temperance Society, because The Church was the best society for moral reform. Their efforts *within* the church in behalf of temperance, were so generally inappreciable, that they got little credit for good faith. But, speaking "wiser than they knew," they enunciated a principle of which time has taught us the truth. It was an evil hour for the Temperance cause, when it broke alliance with the church of Christ, when it set up its own sacrament, or pledge, of tee-totalism, and its mystical child's play of "Rechabites" and

“Templars,” instead of the Christian ministry and ordinances. At this day the most effective Temperance Union is a vigorous Home Missionary Society; the most powerful corps of Temperance lecturers is the Christian ministry in the prosecution of their regular duties; and the most successful local Temperance Society, anywhere, is a faithful and diligent parish church. Mr. Gough, the greatest and wisest man of the Temperance movement, has put an irreversible judgment on this part of the policy of that movement, in the remark that he has known few instances of *lasting* reform from habits of drunkenness, except such as were connected with a radical, religious renewal of the heart.

The Temperance Reformation has brought its own cause to ruin,

2, By countenancing the assertion that the temptation to drunkenness, once awakened by “moderate drinking,” is irresistible.

This assertion, there is internal reason to believe, was introduced into the methods of the Reformation, by the agency of the lecturing reformed-drunkards, and their friends. It is easy to see that there was an “irresistible temptation” to this class of people to seize on an assertion which, while it magnified the total-abstinence dogma, either absolutely excused, or palliated down to the very borders of a virtue, the infamy of their own past lives. Temperate drinking was the mark of a sordid soul. “The man who squeezes his sixpence till it squeals, before he will pay it out for liquor, will never be a drunkard. No, no! it is your *generous!* WHOLE-SOULED!! NO-O-OBLE!!!” etc. etc.* This sort of talk, imported from bar-rooms and groggeries into the pulpit and temperance meeting, repeated as the apology for crime, and as the ground of shifting blame from the criminal to his accessory,

* The intelligent admirers of Mr. Gough will recognize this strain as one which occurs in almost all his speeches, and which forms the chief blemish of his advocacy of temperance reform. We wish that labors so full of wisdom, as well as of zeal and eloquence, might be freed from the taint of this pernicious mistake. So far as we remember, the late John Hawkins never spoke of his former life in any other tone than that of the most humble and penitent confession of personal guilt.

was well calculated to weaken the force of those motives which, in the long run, must be mainly relied on for the prevention and cure of drunkenness. Could the ignominy of that crime be so deep, which was so nearly an accident—which was the proof of the most splendid and noble qualities of character, and the narration of which excited such touching expressions of interest, or such roars of laughter, and the reputation of which seemed a free ticket to popularity and fame? Above all, if the devil had desired to cut the vital nerve of all effort on the part of the tempted and the fallen, could he have invented a more effective process than this, of representing to such that temptation was irresistible, that effort was useless, that ruin was a sure thing, but that of the responsibility of it they were relieved; that God and man would hold them guiltless, and cast the blame where it belonged, upon the tempter?

It is evident, without remark, that the next step after thus reducing the moral power of motives over the drunkard, must be to remove from him the restraints of civil law to prevent or punish his crime. And in this direction the Temperance Reformation has not been afraid to venture.

It is an inevitable corollary from the last position, and one which we have already anticipated, that the Temperance Reformation thwarts and vitiates its own work,

3, By the habit of referring the sin of drunkenness to temptation as its efficient cause, and attempting to direct against the temptation and the tempter the condemnation and punishment which ought to be aimed at the criminal and his crime. This is not a peculiar vice of the Temperance Reformation; it is only one of the most flagrant illustrations of a prevalent habit of the public mind. It was pointed out, eighteen years ago, by a writer in the *New Englander* Quarterly, in language so pertinent and clear, that we can do no better than to copy his words:

“The time was, when drunkenness was deemed a dreadful sin, a base and beastly crime on the part of the drunkard, against his own nature, and against all his duties to his family, to society, and to his Maker; and some of us are of the same

opinion still. In those days we had laws to punish a man for being drunk—laws which are not yet entirely effaced from our statute-books. In those days a man was held responsible, not only for the fact of having made himself drunk, but for all the natural consequences of his having done so; and if an intoxicated man committed theft, arson or murder, the intoxication did not excuse him, but was deemed to be an aggravation rather than a mitigation of his guilt. But for these few years past, a great effort has been in progress, to advance the welfare of society by suppressing all commerce in the means of intoxication. We do not here deny or question the legitimacy of the movement. But we ask whether in connection with this movement, there has not arisen in all quarters a habit of overlooking the guilt of the drunkard, and exaggerating the guilt of the traffic and the trafficker. The drunkard, we have been often told, is less to blame than the man who sold him the liquor; and the liquor seller, we are sometimes told, is less to blame than his temperance customers, who, if they would combine to lay him under an interdict, might compel him to come into their views; and in the same style of reasoning, those customers are less to blame than the town that permits that vendor to have a license; and the town is less to blame than the state which might prohibit the traffic absolutely;—and why not go straight through with this kind of logic, and say that the state is after all less to blame than God, who might have excluded the principle of fermentation from the universe, and thus have saved us all this trouble? No! no! the drunkard himself, first of all and chief of all, bears the guilt of his own drunkenness. The temptations that surrounded him, he ought to have resisted; and had he resisted them, he would have gained a blessed victory: but with his destiny in his own hands, he wickedly bartered away his birth-right. And all the rhetoric and reasoning which would present that base, guilty, self-degraded wretch to our sympathies as a poor victim, overcome and borne away by the resistless power of circumstances and temptations, is of the nature of those evil communications that corrupt good morals.” *

How the sort of talk here rebuked operates to weaken the force of moral and legal motives over the mind of the drunkard himself, has already been sufficiently indicated. The Temperance Reformers, so far as they are rational beings,

* *New Englander*, Oct., 1846. Article, “Shall Punishment be Abolished?”

must have at least some indistinct notion of it. But that it can have any tendency to palliate the guilt of the *tempter* to drunkenness, they will be surprised to be told. The fact is, that the ordinary temperance disclaimer, by the very vice of his position and dogmas, is disqualified for adequately appreciating the guilt of the sin of seducing to drunkenness. The judgment of God and of the healthy human conscience is that if anything is a crime, this more. And this *not* because the drunkard is a helpless, irresponsible creature, incapable of self-control, whose drunkenness is a misfortune, not a fault—at least not *his* fault; but just because drunkenness is itself a crime, and the drunkard a free agent, able to sin and able to forbear. The crime of the seducer to drunkenness is not aggravated, it is rather mitigated, by describing the resistless passion, the helpless infatuation, the irresponsible monomania of his victim. This is the aggravation of his *offense*, that he draws in his victim to be a willing and guilty accomplice in the two-fold crime, and loads the soul of each with something of the guilt of both. If drunkenness were a mere calamity, and not a sin—if it were *only* an accidental ruin and disgrace, falling on the drunkard and his household—if it were *only* poverty and squalor and wretchedness—if it were *only* public scorn, and a name cast out as vile—if it were *only* inflamed and blighted features, and a diseased body, and premature decay—if it were *only* parental anxiety or filial distress, and despair and bitterness of soul kept secret—if it were *only* bereavement—if it were *only* death—*then* the sin of seducing to drunkenness might be ranked with crimes against property and life—with theft and swindling and incendiarism, with arson, and the obstructing of railroad tracks and the poisoning of wells. But since drunkenness is not only these things, but more, a wilful sin against God—therefore the sin of enticing to drunkenness is brought besides into another category, that of sins against men's souls; and the enticers themselves, however delicate their smug gentility, however covered the apparatus of their gins and snares with the show of respectability, or the pretense of legitimate and honorable business, are associated, in just minds,

with those classes of criminals that excite not only our dread, but our detestation and disgust, with suborners, and pimps, and seducers. The mark on their foreheads is not the mark of Cain who slew his brother, but the serpent mark of Satan.

It is easy to see that the excessive zeal of the temperance men in seeking to aggravate the guilt of the tempter to drunkenness, in comparison with that of the drunkard, has overleaped itself. It is the opprobrium of the business of liquor-dealing, as commonly practiced, that it is accessory to the crime of drunkenness. Mitigate and palliate the principal crime, and you palliate the accessory.

We have taken no pains to exhibit proofs of this degeneracy of the Temperance Reformation, because the facts are patent and notorious. If you doubt that this great reform has decayed at the root—has come to hold that the drunkard is a victim, not a criminal—to be coddled in an “Asylum,” not punished in a prison; that that which is secondary is primary, and that the accessory is the principal; that it has degenerated from a sober preacher of righteousness and repentance to the guilty, into a mere enforcer of novel and unsubstantial dogmas on the temperate, and a crusader against the existence of temptation in the world—read the back volumes of a Temperance paper.*

The course of the discussion has brought us very close alongside of the subject of *Temperance Legislation*. This

* If any are disposed to undertake the task proposed above, we would recommend, as by far the least scurrilous, and among the most amusing, of these sheets, the “*Journal of the American Temperance Union*.” If space permitted we should be glad to print a series of elegant extracts from its files, to show how much rational entertainment may be got from the judicious reading of it.

As a specimen of the “evil communications which corrupt good morals” by palliating the guilt of drunkenness, we beg attention to the following letter from an amiable rural minister in Connecticut. He is speaking of a peculiarly flagrant case of persistent and repeated debauchery, complicated with an uncommon variety of other public and private crimes. The offender presents himself to the Temperance Union, so far as appears, without a particle of acknowledgment of personal guilt; sets up business without delay as a teacher of public morals, and a denouncer of the sin of temperate drinking and of prescribing alcoholic stimulants as medicines; and is received and officially recommended to the public, in this capacity, with no more intimation that there has been anything *wrong* in his career than if

forms the very climax of the Temperance Reformation; it is the head in which it has "gone to seed," and into which, as it has ripened, it has concentrated all its characteristic flavors, its bland or acrid humors, and its supposed medicinal virtues. It is here that its whole vitality is absorbed, its blunders summed up, and its failures illustrated; for its successes have been failures, and its failures have been—failures likewise. Here, therefore, we may, very properly sum up and conclude our discussion.

1. In the "Maine Law," the "consummate flower" and matured fruit of the Temperance Reformation, we see developed, at last, the reason of that grand characteristic of the "reformers," almost from the beginning,—that they have been perpetually busy in fussing over new laws instead of executing old ones. They have lacked tenacity of purpose. They have not had the patient endurance needful for a long fight with sin; and their institutions, instead of being founded on a rock, have been built upon the sand. Vaguely conscious, doubtless, that their "time was short," they have been in a hurry to abolish intemperance, not by establishing temperance (*ἐγκράτεια* = self-control) but by exterminating temptation—forgetful that, by this process, in

he had just recovered from an attack of small pox complicated with measles and whooping-cough:

"Dr. —— has addressed our people most happily. He takes the true Temperance ground, Total Abstinence. His experience, observation and knowledge, and power as an orator give to his eloquent, soul stirring appeals a marked effect. He has seen and felt the evils of intemperance to the extent that by the grace of God he is now a sworn enemy to *all* that can intoxicate—rum, wine, beer, cider—and is arming himself fully to do battle against the hydra-headed monster. You know Dr. ——'s sad history. As a minister we none of us now recognize him. Nor has he been for years. He does not pretend now to be one. He is a lawyer, having first studied law, and being, I think, a member of the Bar.

"You and I feel for such a man, of eminent, noble parentage, of splendid talents, who is now contending both for self-protection and the safety of others. I love to help a man in such circumstances. I have done it before. If he can be reclaimed and put to service, and kept as he now is, and daily more strong and earnest for temperance and the cause, let him have countenance and support."—*Amer. Temp. Jour.*, Dec., 1863.

Every one familiar with the common style of total-abstinence writers and speech-makers, will recognize this entire absence of censure on the "poor victims" as its constant characteristic.

the same degree that they abolish vice, they abolish virtue also. Not only this, but temptation must be extirpated with a single stroke of legislation. They "stand ready to smite once and smite no more;" so the important thing is to have a law that will go of itself. The old laws were pretty good laws, if they had been executed. "Go to, now. Let us build us a law that will not need executing. Public virtue is expensive. Let us have a patent moral reform that will run without it."

2. Well, the absolute extermination of ardent spirits being resolved on, together with the stern discouragement of fermentation, the question is, how to carry out these measures in the most offensive way consistent with the enactment of the law.* In some States, a special provision is put in purposely to annoy and alienate the Germans; and generally, provisions for domiciliary visitation, and like measures abhorrent to the genius both of American and English law, are contrived for worrying those special objects of the detestation of the true reformer, the "*moderate* (!) drinker," and the "*respectable* (?) dealer." It is slanderously reported of the Puritan crusade against the cruel amusement of bear-baiting, that it was undertaken not so much out of pity toward the bear, as out of spite toward the people. There is much stronger evidence of a spirit of "*malignant philanthropy*" among the Maine Law agitators, than among the Puritans.

3. In the matter of legislation, as elsewhere, the Temperance party has followed its besetting lust of classifying criminal and innocent things together, under some generic name under which the two may be denounced with the same opprobrium, and interdicted by the same formula or law. It has been willing thus to weaken the force of censure and the power of law over what is really wrong, for the sake of a good relish-

* The suspicion has been seriously suggested (and we understand that there is other than *internal* evidence to sustain it) that, in some States at least, the passage of the Maine Law has been due to a coalition between the Abstinence and the Anti-temperance parties; the latter encouraging and assisting the former so to encumber their bill with impracticable and intolerable provisions as to make it inoperative.

able insult and damage to something that is most palpably right.

“The Liquor-traffic” is a convenient word. It means, to the popular ear, the keeping of “bars” and “saloons” and tippling houses. Who would sustain “the Liquor-traffic?” Who would not vote to crush “the Liquor-traffic?” By the constant use of this expression in an evil sense, many a man is led to vote to punish “the liquor-traffic,” who means simply to punish the infamous crime of the seducer or accessory to drunkenness. He discovers, by and by, that he has voted to put under disgrace and penalty, at the same time, the agents of a useful and honorable trade, without which the ordinary functions of civilized society in any community must very soon become disordered or suspended. The public mind loves a rapid generalization, and so it is easier and more popular to preach or legislate against games than against gambling; against lots than against lotteries; against dancing than against dissipation; against drinking than against drunkenness; against “the liquor traffic” than against the improper sale of liquor. Cool argument, and fair discrimination, and *εὐκράτεια*, are no part of the modern idea of a temperance man.

4. The policy being thus determined, the next thing was for the temperance party to burn the bridges behind them, by adopting the principle that no bread is better than half a loaf, —the cry “the whole or nothing.” As in previous movements it was their delight to repel from coöperation, and classify (in their elegant terminology) among “the rummies,” all who refused to accept in the gross their dogmas, ethical, theological, physiological and political; so now every attempt to draw distinctions or make exceptions was repudiated as a tampering with the unclean thing. The advocates of “regulation” as opposed to “prohibition” were openly stigmatized with the dreadful reproach of being friends of “the Liquor-traffic.” The whole cause was staked on this experiment. The bills which inaugurated “prohibition” contained sections repealing former statutes. They meant to have one line of battle and no reserve. It was to be everything or nothing.

And since it has turned out to be nothing, there is a much more complacent acquiescence in the result, on the part of the Temperance organs, than there used to be in the old state of affairs, when the liquor trade was in some measure regulated, and its abuses in some measure hindered or punished.

5. So far as we know, the clamor of the professional reformers and their followers has not yet succeeded in procuring the rescission of the laws providing pains and penalties for the crime of drunkenness. The tendency of their legislative contrivances towards such an end, however, is unmistakable. It is a leading feature of the "Maine Law," that it deals with drunkenness as accessory to liquor-selling,—not with liquor-selling as accessory to drunkenness. The drunkard is to be arrested and imprisoned, but is to be released at once on his turning State's evidence against his principal.*

The main influence, however, of the Temperance Reformation in preventing the punishment of the crime of drunkenness, has been (as we have elsewhere indicated) in drawing disproportionate attention to the fact of temptation, and in engendering a morbid sympathy with the criminal.

What then is the condition of laws to which we are brought, wherever the Temperance faction is politically successful?

This, nominally: that all ordinary trade in distilled and fermented liquors is prohibited as a crime, the limited sale of the same, for certain specified uses, being assumed by the Government through its agents. Drunkenness and moderate drinking are abolished.

Actually, this: the laws punishing drunkenness are disused or repealed: the restrictions upon the sale of liquors are

* This provision formed no part, we believe, of the original law enacted in Maine in 1851, but was introduced in other States in the following year, and is now part of the idea of a prohibitory law.

We would suggest that if this provision were *reversed* it would be brought into better accordance with the common sense of justice:—that is, if it were provided that the dealer in intoxicating drinks should be released from penalty on condition of his testifying against those who had abused the liquors purchased of him, to purposes of intoxication.

done away ; the crime of keeping common tippling houses is elevated by public enactment to the same level of respectability with the business of the apothecary, or with any other honorable and useful trade in liquors ; the contrivance of the abstinence-party stands on the statute-book, that demoralizing and disloyalizing thing, a dead letter ; and the reformers themselves, whenever the exigencies of civilized life, and the obstinate laws of health and disease come athwart their favorite theories, are habitually violating the very statute which they themselves have contrived. *Quis custodiet custodes ?*

This is the situation.

Looking over the course of our discussion, we are unwilling to leave it in this entirely negative form. It is an ungracious thing to stand in the position of mere objectors to the efforts of well-intending people towards a good end ; and we are *not* mere objectors. The critical review of a great and sad failure has been undertaken by us, not out of cynical moroseness, nor out of mere historical curiosity, but with the conviction that such a review must be the only safe basis of a future Temperance Reformation, which shall be a reformation indeed. The question on which we have meant that every page should have a bearing, is this : What shall be done in future ? It is impossible that we should have any interest in this labor but truth and humanity. Certainly popularity and peace do not lie this way —nothing but organized annoyance from either party, and the scourge of tongues. Probably the abstinence-men, in their chaste style of controversy, will insinuate that we have written in the interest of the Liquor-dealers' Association. They might save their evil words. It is impossible that shrewd liquor-dealers can desire any more convenient state of things than this which the Temperance men have prepared to their hands.

But what shall we do ? The men under whose pilotage the temperance reform has been wrecked are not more free in acknowledging that all their work is to be done anew,

than they are prompt in proposing the next measure, to wit, to do the same thing over again;—to start from the same point, on the same course, and see whether or not they will split on the same rock.* Surely this recommendation need not require prolonged consideration.

The answer which we would give to this practical question may be guessed from what has gone before; but it is well to sum it up in a few paragraphs.

1. Let future efforts be settled on acknowledged principles of right and wrong, and on admitted and incontestable facts. Whatever may be the confidence of individuals in certain hypotheses in organic chemistry or physiology, or in certain novel points of scriptural interpretation, or casuistry, let the reformation henceforth proceed upon principles and facts in which good men and philanthropic men and candid men are agreed; not on those which the majority of good men, the world over, reject. Thus much being determined, there will be less temptation to the agents of this reform to deal in feeble arguments, in fanciful theories, in exaggerated statements, and in garbled and one-sided citations, than there now is; and the existing necessity for opprobrium upon those who hold the common opinions of Christendom will be removed.†

* See an article by the Rev. T. L. Cuyler, in *The Independent* of September or October last, entitled "*A Plain Word with Temperance Men.*"

See also a recent pamphlet entitled "*The Temperance Cause, or, Why we are where we are.*" By Charles Jewett, M. D."

The remarks and plans of these and other old-line temperance reformers indicate a conviction on their part that a chronic agitation on the temperance question is the normal condition of society; that every village and ward should have its regular weekly or monthly temperance meeting, with the public administration of its sacramental pledge of withholding the cup from the laity; that the temperance society and the temperance lecturer are required by the constant wants of human nature, like the church and the ministry. Indeed, the one prescription by which Dr. Jewett would heal all the infirmities and renew the youth of the moribund Reformation is,—a provision for a regular income out of which to pay the salaries of himself and his fellow laborers!

† For a frank statement, and striking example, of the policy of the Temperance reformation in this matter, see the following from the *Journal of the Am. Temp. Union*, for December, 1863:—“We have our fears that there is no adequate conception of the extent of hostility in ministers at the altar and commun-

Having got back thus upon a basis of facts, the Temperance Reformers would, it is hoped, begin to see things truly and proportionately. They would see, especially, that the *primary* object of their opposition is drunkenness; and would not, as heretofore, forget or justify the primary thing in their zeal concerning the accessories.

2. In dealing with the sin and disgrace of drunkenness, let the main reliance be upon motives and means worthy, and adequate, and abiding. When the devil of intemperance has been joked out, or wheedled out, or juggled out, or scared out, or coaxed out of a man, he does not wander long in dry places without rest. It will be as easy for him to be coaxed, or scared, or juggled, or wheedled back again. And it will go hard with him, but he will take back to his empty room some worse devils than himself. When intemperance is driven out by the "expulsive force" of another and overmastering selfish passion, as avarice, or ambition, it may be a more permanent change, and in its social aspects a beneficial one; but after all, it is only a casting out of devils by Beelzebub. The motives to be mainly used must be the sovereign and infinite considerations of the Christian religion; the effective power that must be relied on is the power of God; and (let us add) instead of futile pledges, and evanescent societies, and childish "orders" and "lodges," should be substituted the sacraments and the enduring institution of the Christian church.

3. In the application of *legal measures* to the work of temperance reform, it is needful, still, to keep in mind what is the primary object of the reformation,—the prevention of the sin of drunkenness. To be prevented, it must be pun-

chants at the table of Christ, to the strict total abstinenee principle, of the derision that is made of it in family and even in ministerial circles, and of unbelief in it as scriptural. The argument in its favor, however, is so perfect that all opposition to it is silenced. Many prefer to let total abstainers have their way than contend with them, especially when, *in so doing, they expose themselves to opprobrium*; and as no Maine law forbids their gaining *access to the means of indulgence*, and no civil or ecclesiastical law forbids such indulgence, and the circles of fashion in which they ever move without reproach or any diffidence, are sufficiently large and very inviting, they are satisfied."

ished ; and this is the obvious, natural, effective course which the Temperance Reformers have never adopted, but have steadily more and more discouraged.

We can easily anticipate the fondness with which the abstinence men will linger over their feeble objections to the cruelty of punishing the "poor victims," and the reluctance with which they will part with them, before they come back to the position of common sense, that the best way to discourage a crime is *not* to excuse its guilt and remove its penalties. And it is worth while to anticipate the answers with which these objections must be met.

"The drunkard—the *poor* drunkard—is not the worst sinner in the case. Poor man ! he is beguiled by the evil influence of others. The tempter is a worse sinner than the drunkard. Punish the tempter."

Certainly, if you say so, punish the tempter. But why not punish the criminal too ?

(1.) Suppose that you are right, and that the drunkard is not so great a sinner. Will you refrain from punishing one criminal until you have measured off and inflicted a proportionate allotment of penalty on all his superiors in guilt ? If this must be, then human government may as well be abandoned ; for all criminal legislation and administration has to proceed with the expectation that it will leave untouched many worse men than it punishes. There always are, and always will be, worse rogues out of prison than in it. Defaulters and swindlers will ride in carriages, while pickpockets travel on the treadmill. But is this a good reason for not punishing pickpockets ?

(2.) Suppose that the tempter is a guiltier sinner than the other party, he is not guilty of the *same* sin. The guilt of the receiver of stolen goods is very commonly greater than that of the burglar, but it is *not* burglary. The suborner to perjury is doubtless a worse man, often, than the perjurer. But was it ever held, in any legislature, that the existence of severe enactments against subornation was a good reason for letting the perjurer go free ?

(3.) All these discussions of the comparative degree of

guilt of accomplices in crime, are of doubtful profit. But if we were disposed to defend the case of the shopkeeper as against his customer, there is a good deal to be said on his side of the question. The whole question depends on circumstances. It depends partly on the comparative intelligence of the parties. If the drunkard is an intelligent American citizen, trained in the church, the religious family, and the common school, to a knowledge of his duty ; and the vender is an illiterate and outcast negro, or an ignorant Irishman that never heard of Father Mathew, and knows nothing of the Temperance cause, except that he has been told by an eminent citizen to vote against the Maine law ; the chances are that the guiltier party is the drunkard himself. It depends partly on their knowledge of the consequences of their respective acts. The drunkard cannot but know the ruin he is bringing thereby on himself, and on his family, and on society ; the seller doesn't need to know—doesn't want to know—takes pains not to know, nor think. It depends partly on the motives of the parties. The seller may be moved by the necessity of daily bread for himself and for his household ; the drunkard can have no motive but the mere gratification of a selfish passion, reckless of the misery which he inflicts upon those whom he ought to love most dearly.

(4.) But inasmuch as it is too much to hope that the fallacies that are bound up in the hearts of old professional "reformers" will ever be driven out by counter-argument, it may be well enough to help them complete the circle of their vicious reasoning, and thus get back to their point of departure. If the crime of tempting to drunkenness is so odious as to have become the exclusive object of public vengeance, what shall we say of the guilt of those who deliberately tempt their neighbor into the crime of liquor-selling ? If the drunkard cannot be punished for debauchery, because he is a "poor victim," is not the grog-seller a "poor victim" too ? and may we not, peradventure, punish the wretch who deliberately and repeatedly approaches his neighbor with sixpences and shillings, to awaken within him the "accursed

greed of gold," and lure him on to the crime of liquor-dealing?

But "the poor drunkard!" He is not to be easily mulcted or imprisoned "without the meed of some melodious tear" from his temperance friends. "Don't punish the poor drunkard! his passions are so strong, and his power of resistance so weak. Punish somebody else; do!" They will adopt the foolish fallacy, which is a good deal broader than the Temperance Reformation,—so broad that it under-runs a great deal of general legislation and law logic,—the fallacy that the weaker a man's will and the wilder his passions, the less he needs the control of law. If drunkenness is a *mere* disease (as reformed drunkards are fain to insinuate),—if will and conscience have absolutely no concern with it,—why there is no more to be said nor done but to send the patients to a hospital and physic it out of them. But the *reformed* drunkards themselves who suggest the idea are a living refutation of it. The fact that they *do* abstain shows that they might have abstained before. They are a living proof that the treatment which their "disease" needed was the most *heroic* moral treatment,—the plainest exhibition of their criminality, and the kindest encouragement to reform, mingled with warnings, not to be trifled with, of the most stern and inexorable punishment in case of persistence in crime. The kindest thing for the weak and irresolute, and "morally insane," is to stiffen their moral nature with the strength of *law*. The cruel and fatal thing is to remove from them alike the fear of punishment and the hope of amendment, and, by telling them that they are impotent and helpless, to make them so. And this is what the Temperance Reformation has done.*

4. In applying legal measures to the matter of liquor-selling, let the new Temperance Reformation still remember

* We have no intention, in anything we have here or elsewhere said, of disparaging the Inebriate Asylums in their *proper* use; nor of disguising the fact that the thirst for intoxicating liquors does sometimes grow to such a morbid intensity that the best and wisest thing for the subject of it may be, for a time, to seclude him from the possibility of indulging it. But when exceptional cases of so-called "moral insanity" are taken as the basis of public reform or legislation, or

that it is only as accessory to the crime of drunkenness, in a nearer or more remote degree, that the liquor trade becomes properly amenable to the criminal law. It will thus avoid the mischievous confounding of right and wrong, which has been wont hitherto to frustrate both argument and law. It will be, not "the liquor traffic," both right and wrong, useful and mischievous, which it will be attempted to crush, but the wicked and hurtful traffic in liquor. To come more to matters of detail, the coming Reformation must keep in mind, in all its restrictions on trade:

(1.) That the Christian law of liberty and love, under which a good man waives his lawful privileges for the benefit of weak consciences, cannot be *enforced* by act of legislature or church, nor by edicts of the Temperance and Tract Societies. The moment you enforce it you kill it.

(2.) That there are some things that "the law cannot do, in that it is weak through the flesh;" and that when the law has suppressed the evil which it can conveniently reach, it has not thereby sanctioned the offenses which it cannot reach.

Look now at the trade in those articles that are liable to be perverted into the means of intoxication. It may be classified, for the present purpose, in three categories, according to the guilt or innocence of the dealer:

(1.) Those sales which are plainly right.

(2.) Those sales which, by their probable consequences, are obviously wrong.

(3.) Those sales the consequences of which are doubtful.

As for the first class of dealings in liquor, a wise and good law will be studiously careful to interfere with them as little as possible. If it were a mere matter of personal liberty of the "pursuit of happiness" through an innocent calling,

when the principle is accepted that people generally are more or less insane, and therefore irresponsible, it is time for the sane people to look out for themselves.

In every well-regulated mad-house a stringent system of rewards and punishments is deemed essential, and is found to be effective. If society generally is full of maniacs, liable constantly to acute attacks of criminal impulse, is it good "treatment" to inform them, through legislative acts, and jury verdicts, and judicial charges, that if they misbehave they shall not be hurt for it?

this course would be required by the spirit of our constitutions. But this part of "the liquor traffic" is not merely innocent, it is beneficent,—it is necessary. And what an intolerable annoyance to the public, as well as to individuals, is the interdiction of it, or the confinement of it to a government monopoly, is witnessed by the general disregard of the "Maine Law," even in the most law-abiding communities and by the best citizens.

As for the second class of dealings, they must be prevented and punished just so far as they can be defined and reached by legislation. And this is what the old laws, which have been denounced with so much contumely, were honestly careful to do. They forbade tippling-houses, high and low, great and small; they interdicted Sunday liquor-selling; and they prohibited all sales of liquor to minors, to apprentices and students, and to common drunkards, as being sales evidently liable to be turned to an evil use. And these prohibitions commended themselves to every conscience as wise and right.*

"But is this all that we can do?"

Well, suppose you try to do this first, before you ask, What next? This is more than you are doing now, or have ever been able to do heretofore, for any considerable extent of time or space, by prohibitory laws. Try this first.

The measures we have described are such as will unite the coöperation of the mass of society, both of good men and of bad. For society and government, in the main, are always on the side of sound morals. Even under the corrupt despotism of Nero, the magistrate was on the whole a terror to evil doers and a praise to those that did well. The only way

* The perpetual protest of the temperance orators against the prohibition of the sale of liquor to *drunkards*, illustrates a great many of our positions at once. The reason for this prohibition in the old laws was *not* that the sale of liquor to temperate men might not sometimes be more hurtful than the sale of it to drunkards, but that the latter might confidently be presumed to have a bad result; while, as to the former, the presumption, in individual cases, was uncertain.

The old laws of some of the Puritan colonies on this subject—Blue Laws, if you like to call them so—were models of wise, humane legislation, which the reformers who sneer at them would do well to study.

of effectively protecting from public justice the evident sin of the enticer to drunkenness, is the way adopted by the Temperance Reformation, of perplexing and bewildering the public mind by confounding this evident sin with other things, which are as evidently innocent and honorable.

These two classes of dealings in intoxicating liquors having been disposed of, the question will still remain: What shall be done respecting that third class, lying on the doubtful ground between the two? Into the large discussion of this question we shall not enter here. We will venture only one suggestion. If, with regard to these, the state should conclude that much must needs be left to the discretion of the dealer, that therefore the dealer ought to be a person of special prudence, and that the ordinary trade in intoxicating liquors ought not to be left open indiscriminately to all; and if the state, accordingly, should enact that none should engage in it without the special permission of the authorities, nor without binding themselves from the abuse of the trust,—the state would not, by such provisions, be sanctioning a crime, nor making itself responsible for abuses which it had labored to prevent.*

* The following judicious paragraph we find in our favorite *Journal of the American Temperance Union*, copied from the *Northern Advocate*. It is interesting not only as a statement of the political position of the abstinence men, but as a characteristic specimen of Temperance, not only in principle, but in rhetoric, and a very pleasing model for the discussion of this and other political questions.

He who says we must have license, because alcoholic liquors are wanted for some uses, talks like a fool. What we want, and all want, is a positive prohibition of the death-dealing traffic in all its phases. If no man is permitted to sell intoxicating beverages, then no man will be injured by the traffic in them. Absolute, unqualified prohibition is the only exercise that should be tolerated for a moment among a people raised the slightest degree above savages. All attempts to regulate the traffic originated in a mixture of ignorance and vice—ignorance of the fact that it cannot be done, and a criminal complicity with the business of drunkard-making. No permissive law on the subject has either sense or honesty. The whole of our excise legislation is a piece of base rascality. It is a stupendous, diabolical fraud on community, [sic] and should blast the reputation of every man who had a hand in framing such an accursed statute.